

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA**

AUDRY ANDERSON,

Petitioner,

v.

**Civil No. 3:07cv65
(Judge Bailey)**

WILLIAM R. SHARPE, JR. HOSPITAL,

Respondent.

**ORDER GRANTING IN FORMA PAUPERIS BUT
REQUIRING PETITIONER TO PAY THE \$5.00 FILING FEE**

On May 30, 2007, the *pro se* petitioner initiated this case by filing a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. On that same date, the Clerk issue a Notice of Deficient Pleading advising the petitioner that he must either pay the \$5.00 filing fee or submit an application *in forma pauperis*. Following an Order to the Clerk to send the petitioner another application *in forma pauperis* and a Report and Recommendation that this matter be dismissed due to the petitioner's failure to submit the application, the petitioner finally filed the application on August 24, 2007. On October 17, 2007, the Court entered an Order declining to adopt the Report and Recommendation and referring the matter to the undersigned for further proceedings. Therefore, this matter is pending on the petitioner's application to proceed *in forma pauperis*.

All litigants are required to pay the costs and fees associated with civil lawsuits unless their financial condition warrants a grant of *in forma pauperis* status pursuant to 28 U.S.C. § 1915(a)(1). At the time the petitioner filed his petition, he had \$19.00 in a savings account.

Accordingly, the petitioner is GRANTED *in forma pauperis* status. However, because

petitioner had sufficient funds to pay the required filing fee, **petitioner will be required to pay the \$5.00 filing fee within thirty (30) days of entry of this Order** Failure to pay the \$5.00 fee within the required time period will result in a recommendation that his case be dismissed.

IT IS SO ORDERED.

The Clerk is directed to send a copy of this Order to the *pro se* petitioner by certified mail, return receipt requested.

Dated: October 19, 2007

/s/ James E. Seibert
JAMES E. SEIBERT
UNITED STATES MAGISTRATE JUDGE